

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 9-12-11

METRO FOUNDATION CONTRACTORS, INC.,

Plaintiff,

09 Civ. 6796 (JGK)

- against -

ORDER

ARCH INS. CO.,

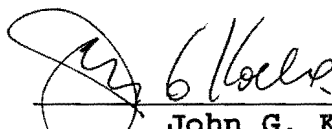
Defendant.

JOHN G. KOELTL, District Judge:

In accordance with the Court's order dated May 27, 2011, and the submission of counsel for the third-party defendants, Marco Martelli Associates, Inc., Martelli Real Estate, Inc., Marco Martelli, Madeline Martelli, Ronald Kuhlman, and Patrick Quigley (collectively "MMA"), dated July 5, 2011, the third-party defendants are entitled to entry of an order of default against Metro Foundation Contractors, Inc. ("Metro") on the issue of liability. Because damages have not yet been liquidated and because other claims remain in this case, the Court would not enter a final judgment of default. However, entry of an order of default on liability in favor of MMA against Metro is appropriate at this time. MMA should submit a proposed order for an entry of default by September 16, 2011. Metro may submit a counter-order by September 21, 2011.

SO ORDERED.

Dated: New York, New York
September 9, 2011



John G. Koeltl
United States District Judge